

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant(s): | Donald R. Huffman, et al. | Examiner: | Tsang Foster, Susy N. |
| Serial No.: | 07/580,246 | Art Unit: | 1795 |
| Filed: | September 10, 1990 | Docket: | 7913Z |
| For: | NEW FORM OF CARBON | Dated: | September 24, 2008 |

Confirmation No: 5441

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Mitsubishi Corporation, having a current place of business at 3-1 Marunouchi 2-Chome, Chiyoda-Ku, Tokyo, Japan 100-8228 and owners of the entire right, title and interest in the above-identified application, as evidenced by Assignment recorded at Reel 5569, Frame 850 and Reel 5880, Frame 322 from the inventors to Research Corporation Technologies, Inc., and by an Assignment from Research Corporation Technologies, Inc. to Fullerene International Corp. recorded at Reel 11573, Frame 0476, and by an assignment from Fullerene International Corp., to Mitsubishi Corporation, recorded at Reel 20300, Frame 413, disclaim the terminal portion of any patent granted on the above-identified application which would extend beyond the expiration date(s) of the full statutory term defined in 35 U.S.C. §§154-156 and 173 of the commonly assigned U.S. patent application Serial No. 08/471,890 and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to the patent shall be the same as the legal title to said U.S. patent application

Serial No. 08/471,890, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of copending Patent Application 08/471,890, as presently shortened by any terminal disclaimer, in the event that once issued, it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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Respectfully submitted,



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